IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BIOCURE, LLC	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO:_________________
	§	Jury Demanded
JOSEPH FAZIO and	§	
AT HOME INFUSION SERVICES, LLC	§	
	§	
Defendants.	§	

TEMPORARY RESTRAINING ORDER

On this day the Court considered the Plaintiff's request to enter a Temporary Restraining Order and after considering the sworn application, the Court finds good cause to enter a Temporary Restraining Order and hereby Orders as follows:

Based upon the facts set forth in the Plaintiff's Original Complaint and Application for Temporary Restraining Order and the accompanying exhibits, the Court is of the opinion that the Plaintiff is entitled to a Temporary Restraining Order for the following reasons:

The Court finds that the Plaintiff has a cause of action against the Defendants, has demonstrated a probability of success on the merits; and has demonstrated probable, imminent, and irreparable injury in the interim. The Court finds that, unless the Defendants, their officers, agents, servants, employees, representatives, attorneys and all other persons or entities in active concert or participation with the Defendants are immediately restrained as ordered below, then the Plaintiff will suffer immediate and irreparable injury for which it has no adequate remedy at law before a hearing can be had on its request for a preliminary injunction. The Court's finding of immediate and irreparable harm is based on this Court's conclusion that the Defendants are engaging in unfair competition through the use of the Plaintiff's trade secrets and confidential information, and through breaches of obligations imposed by contract and/or common law. If the Defendants continue to do so, the Plaintiff's business and goodwill will be damaged, its confidential and trade secret information will be disclosed, and its competitive position in the market will be hampered in a manner that cannot be compensated by money damages because it is impossible to fully determine the extent of damages the Plaintiff will incur.

IT IS THEREFORE ORDERED that the Defendants, their officers, agents, servants, employees, representatives, attorneys and all other persons or entities in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise be and are hereby enjoined as follows:

1. The Defendants shall not use or disclose BioCure's trade secrets and confidential information, nor shall the Defendants attempt to acquire any additional trade secrets and confidential information belonging to BioCure;

2. The Defendants shall return all confidential information and trade secrets belonging to BioCure in both hard copy and electronic form within 48 hours;

3. The Defendants shall turnover to BioCure Fazio's personal computer(s), mobile telephone(s), and any devices used to access BioCure's trade secret and confidential information within 48 hours for forensic examination to determine how he has disseminated any electronic information belonging to BioCure and to permanently remove such information from those devices; and

4. The Defendants shall not, directly or indirectly, (i) solicit BioCure clients and prospective clients with whom Fazio serviced or contacted during his BioCure employment (including patients, physicians, physician offices and staff) for the purpose of selling or providing products or services of the type sold or provided by BioCure; or (ii) induce BioCure clients or prospective clients with whom Fazio serviced or contacted during his BioCure employment (including patients, physicians, physician offices and staff) to terminate, cancel, not renew, not refer, or not place business with the Company.

It is further ORDERED that the Plaintiff's Request for Preliminary Injunction shall be heard before Judge _______________of the above-named Court on __________________ 2017, at ___:_____ __.m., in the United States Courthouse located at 515 Rusk Avenue, Houston, Texas 77002.

It is further ORDERED that the surety bond or cash deposit in lieu of bond in the amount of $_______________ is accepted by the Court to support the issuance of this Temporary Restraining Order, conditioned that the Plaintiff will abide by the decision made in this cause, and will pay all sums of money and costs that may be adjudged against it if this order is dissolved in whole or part.

This Temporary Restraining Order shall expire upon the earlier of ___:____ __.m. on __ ___________________, 2017, or upon further order of this Court.

The Clerk of the above-named Court shall forthwith issue a Temporary Restraining Order in conformity with the law and the terms of this Order.

Signed this ____ day of _______________, 2017, at __ o'clock __. m .

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JUDGE PRESIDING